

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

FRANCIS GRANDINETTI, ) CIV. NO. 19-00684 LEK-WRP  
#A0185087, )  
 ) DISMISSAL ORDER  
Plaintiff, )  
 )  
vs. )  
 )  
WARDEN JODY BRADLEY, *et al.*, )  
 )  
Defendants. )  
 )

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Before the court is pro se Plaintiff Francis Grandinetti's prisoner civil rights Complaint and exhibits. Compl., ECF Nos. 1, 1-1. The Complaint names eleven wardens from various Mainland prisons that Grandinetti has been incarcerated in since 2004, as well as numerous other unnamed prison staff at these facilities. Grandinetti challenges his numerous transfers to different private prisons since he left Hawaii in 2004, and complains about the conditions of confinement he has encountered at these prisons. He seeks a transfer to the Federal Detention Center in Honolulu.

Grandinetti has accrued three strikes pursuant to 28 U.S.C. § 1915(g),<sup>1</sup> and may not proceed without prepayment of the civil filing fee unless his pleadings show that he was in imminent danger of serious physical injury at the time that he brought this action. *See Andrews v. Cervantes*, 493 F.3d 1047, 1053, 1055 (9th Cir. 2007). Nothing within the Complaint or its exhibits suggests that Grandinetti is or was in imminent danger of serious physical injury when he filed this action, particularly by any conduct of the named Defendants, or that there is a continuing practice that injured him in the past that poses an “ongoing danger,” or that venue for these claims regarding conditions of confinement in Mainland prisons since 2004 lies in the District of Hawaii. *Id.* at 1056.

Moreover, Grandinetti has no right to be incarcerated in the cell, module or facility of his choice, remain at a particular prison, or to be free from transfers to different prisons. *See Olim v. Wakinekona*, 461 U.S. 238, 244-48 (1983); *Meachum v. Fano*, 427 U.S. 215, 224 (1976). Thus, he fails to state a colorable claim for relief.

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<sup>1</sup>See, e.g., *Grandinetti v. FTC Seg. Unit Staff*, 426 F. App’x 576 (9th Cir. 2011); *Grandinetti v. Abercrombie*, Civ. No. 15-00007 LEK-RLP (D. Haw. 2015); *Grandinetti v. Shimoda*, Civ. No. 05-00442 JMS-BMK (D. Haw. 2005); *Grandinetti v. Stampfle*, Civ. No. 05-00692 HG-LEK (D. Haw. 2005).

Grandinetti may not proceed in forma pauperis in this action and he has not paid the civil filing fee for commencing a law suit. The Complaint and this action are DISMISSED without prejudice. This does not prevent Grandinetti from moving to reopen the present action or from refiling a new action raising these claims, with concurrent payment of the civil filing fee. The Clerk is DIRECTED to terminate this case and enter judgment. The Court will take no further action beyond processing a notice of appeal.

IT IS SO ORDERED.

DATED: HONOLULU, HAWAII, January 10, 2020.



/s/ Leslie E. Kobayashi  
Leslie E. Kobayashi  
United States District Judge

*Grandinetti v. Bradley, et al.*, No. 1:19 cv 00684 LEK WRP; 3 Stks '20, Grandinetti 19 684 lek (1983 transfers since 2004 chg venue)